

CCRB INVESTIGATIVE RECOMMENDATION

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|---------------------------------------------------|----------------------------------------------------------|------------------------------------|--------------------------------------------------------|-----------------------------------------------|---------------------------------|
| Investigator: Margot Hesel | Team: Team # 4 | CCRB Case #: 201008317 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Friday, 06/18/2010 11:30 PM | Location of Incident: § 87(2)(b) | Precinct: 113 | 18 Mo. SOL 12/18/2011 | EO SOL 12/18/2011 | |
| Date/Time CV Reported Mon, 06/21/2010 10:39 AM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Mon, 06/21/2010 10:39 AM | | |
| Complainant/Victim | Type | Home Address | | | |
| | | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | |
| 1. POM James Zozzaro | 28340 | 942747 | 113 PCT | | |
| 2. An officer | | | 113 PCT | | |
| Officer(s) | Allegation | Investigator Recommendation | | | |
| A. An officer | Force: An officer used physical force against § 87(2)(b) | | | | |
| B. An officer | Discourtesy: An officer spoke rudely to § 87(2)(b) | | | | |
| C. POM James Zozzaro | Discourtesy: PO James Zozzaro spoke rudely to § 87(2)(b) | | | | |

Case Summary

§ 87(2)(b) filed a complaint with the CCRB via phone on June 21, 2010, and provided a detailed phone statement to the CCRB on June 29, 2010. § 87(2)(g)

§ 87(2)(b) reported the following.

On July 18, 2010, at about 11:30 p.m., § 87(2)(b) was arrested for having an open warrant and taken to the 113th Precinct stationhouse. At the stationhouse, § 87(2)(b) started having shortness of breath, and he was taken to § 87(2)(b) by PO1 and PO2. PO1 was a 31-year-old, 5'11" tall, slim white male with dark brown hair in a crew cut. § 87(2)(b) read PO1's name off of his shield as "Meyers." PO2 was identified by the investigation as PO James Zozzaro from the 113th Precinct. Handcuffs and leg shackles were applied tightly to § 87(2)(b)'s arms and legs, and he started losing circulation. § 87(2)(b) moved around in the ambulance to indicate to PO1 that he was uncomfortable. When the ambulance arrived at the hospital, PO1 pushed § 87(2)(b) out of the side door of the ambulance, causing § 87(2)(b) to fall onto the ground (**Allegation A**). While at the hospital, PO1 and PO Zozzaro called § 87(2)(b) a "welfare recipient" and other names that § 87(2)(b) could not recall (**Allegation B, Allegation C**). § 87(2)(b) received asthma medication at the hospital and returned to the stationhouse for processing.

BADS shows that § 87(2)(b) was arrested within the confines of the 113th Precinct on the incident date. CTS showed no matches for officers with the name "Meyers" or anything similar within the 113th Precinct. A CTS search for officers with the last name "Z" in the 113th Precinct revealed PO James Zozzaro. EDMS shows that PO Zozzaro fits the physical description provided by § 87(2)(b) for PO2. § 87(2)(g)

On June 29, 2010, the CCRB spoke with § 87(2)(b) and scheduled an in-person interview for July 15, 2010. § 87(2)(b) did not appear for his interview on July 15, 2010, and a missed appointment letter was mailed to him. On July 16, 2010, the CCRB spoke with § 87(2)(b) who expressed his reservations in pursuing an investigation because he was concerned about retaliation. The CCRB explained its retaliation policy to § 87(2)(b). § 87(2)(b) asked for time to consider his decision. The CCRB spoke with § 87(2)(b) on July 19, 2010, and § 87(2)(b) expressed his wish to withdraw his complaint because of his fear of retaliation. The CCRB again explained its retaliation policy. § 87(2)(b) confirmed that no one from the CCRB or the NYPD had coerced him into withdrawing his complaint and that he was withdrawing his complaint of his own free will. § 87(2)(b) was informed that he would be mailed a withdrawal letter to sign and return to the CCRB, and that he could reopen his complaint at a later date if he chose to do so. Team Manager Robert Lonergan listened to and approved of the withdrawal statement. § 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date